

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**STEVEN DALE MANNAHAN, #1226349,)
Petitioner,)
)
v.)
)
**DOUGLAS DRETKE, Director, Texas)
Department of Criminal Justice,)
Correctional Institutions Division,)
Respondent.)****

3:04-CV-2698-D

**SUPPLEMENTAL FINDINGS AND CONCLUSIONS
OF THE UNITED STATES MAGISTRATE JUDGE**

Pursuant to the District Court's order of re-reference filed on July 18, 2005, came on to be considered the papers and pleadings filed in the above styled and numbered action together with Petitioner's objection filed on July 30, 2005.

Petitioner is currently confined in the Texas Department of Criminal Justice, Corrections Institutions Division pursuant to sentences imposed by a state district court in Jefferson County, Texas (See Petitioner's answer to Question 1 of the Magistrate Judge's Questionnaire). Therefore, he is not in custody on either of the Hunt County convictions which he seeks to attack in his § 2254 petition and this court is without jurisdiction to consider a collateral attack on a criminal conviction which has expired.

Although, as noted in the recommendation filed on June 22, 2005, a petitioner may challenge a current sentence enhanced by an allegedly invalid prior conviction, each of the convictions on which he is in custody was imposed by a state court in Jefferson County, Texas. Since he was neither convicted by a state court located within the Northern District of Texas, nor is he presently

confined in the Northern District of Texas, this court is without jurisdiction to entertain a collateral attack on his Jefferson County, Texas, convictions, and his petition should be dismissed for want of jurisdiction.

The Clerk will transmit a copy of the supplemental findings and conclusions to Petitioner Steven Dale Mannahan, #1226349, TDCJ Michael Unit, P.O. Box 4500, Tennessee Colony, Texas 75886.

Signed this 21st day of July, 2005.



WM. F. SANDERSON, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE

In the event that you wish to object to this recommendation, you are hereby notified that you must file your written objections within ten days after being served with a copy of this recommendation. Pursuant to Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415 (5th Cir. 1996) (en banc), a party's failure to file written objections to these proposed findings of fact and conclusions of law within such ten day period may bar a *de novo* determination by the district judge of any finding of fact or conclusion of law and shall bar such party, except upon grounds of plain error, from attacking on appeal the unobjected to proposed findings of fact and conclusions of law accepted by the district court.